

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/785

<u>Applicant</u>	:	Bright Strong Limited represented by KTA Planning Limited
<u>Site</u>	:	Lots 1758, 1759, 1760, 1761, 1763 RP (Part), 1766 RP (Part) and 1767 RP (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	:	About 7,043 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Public Utility Installation (Solar Energy System) and Filling and Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed public utility installation (solar energy system) and filling and excavation of land at the application site (the Site) (**Plan A-1**). The Site, comprising two portions (with an area of about 4,887m² (about 70%) for the northern portion and an area of about 2,156m² (about 30%) for the southern portion), falls within an area zoned “AGR” on the approved Kam Tin North OZP. According to the Notes of the OZP, ‘Public Utility Installation’ (‘PUI’) is a Column 2 use within the “AGR” zone, which requires planning permission from the Town Planning Board (the Board). Filling and excavation of land within “AGR” zone also require planning permission from the Board. The Site is currently partly fenced, vacant and generally covered by weeds (**Plans A-2 to A-4**).
- 1.2 The solar panels will be separated into three groups (i.e. Sites A, B and C) (**Drawing A-1**) to be operated under three separate systems to facilitate future management and maintenance. According to the applicant, the proposed development will comprise not more than 1,650 solar panels (1.2m (L) x 2m (W) x 1.5m (H) each), which will be mounted on concrete plinths (about 0.51m high) situated below the ground surface with soil cover of 0.5m in depth

(Drawing A-2). The combined height of each panel and stand would be about 2.51m (including the portion below the ground surface). Besides, there will be three single-storey structures (about 3m high) with a total non-domestic floor area of about 65m² for storage of equipment and three H-poles, which will be maintained by the CLP Power Hong Kong Limited, for operation of the proposed solar energy system. For the purpose of installation of the solar panels, excavation of land and filling of land at depth of about 1.1m for the whole Site is also proposed mainly for fitting the concrete footing below ground. All soil excavated from the Site will be used for re-profiling work and proposed landscaping works at the Site. The Site is accessible via a local access branching off from Chi Ho Road, Shui Mei Road and Mei Fung Road (**Plans A-1 and A-2**). No parking or loading/unloading spaces will be provided on-site. The proposed solar energy system is anticipated to be completed by 2022/23 and operated under the Feed-in Tariff (FiT) Scheme until 2033. The major development parameters are summarized below:

Site Area (m ²)	7,043 (Site A – 2,550; Site B – 2,337; and Site C – 2,156)
Gross Floor Area (GFA)(m ²)	65.1
Plot Ratio	0.9
Building Height (m)	3 (1 storey)
Number of Solar Panels	Not more than 1,650
Number of Storage Containers	3 (for inverters and equipment storage)
Number of H-Poles	3
Annual Generation	About 722,502kWh (equivalent to about 219 domestic households' annual consumption)
Anticipated Completion Time	2022/23

1.3 The site layout plan, elevation and section plan and landscape plan submitted by the applicant are at **Drawings A-1 to A-3**.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 4.8.2021 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 8.10.2021 in response to departmental comments **(Appendix Ib)**
[accepted and exempted from publication]
- (d) FI received on 26.1.2022 in response to departmental comments **(Appendix Ic)**
[accepted and exempted from publication]
- (e) FI received on 15.3.2022 in response to departmental comments **(Appendix Id)**
[accepted and exempted from publication]

- 1.5 At the request of the applicant, the Committee, on 24.9.2021 and 26.11.2021, agreed to defer twice on consideration of the application for two months each to allow time for the applicant to prepare FI to address the departmental comments. The applicant submitted FI in October 2021, January 2022 and March 2022 in response to departments' comments. The application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary planning statement and FIs at **Appendices I**, and **Ia to Id**, and are briefly summarised as follows:

- (a) The proposed development is in line with the Government's policy to promote the development of renewable energy (RE) and forms part of the decarbonisation strategy in Hong Kong, including the Hong Kong's Climate Action Plan 2030+ and Clean Air Plan for Hong Kong 2035.
- (b) The proposed development is in line with the Board's assessment criteria for considering applications for solar photovoltaic (SPV) system in various respects. Sympathetic consideration should be given to the application as the proposed solar energy system is strongly supported by the Environment Bureau (ENB) and in line with Government's policies to promote the development of RE, as well as forming part of Hong Kong's decarbonisation strategy.
- (c) The Site is currently vacant with agricultural activity ceased for more than two decades. Disturbance to the soil within the Site would be minimal and hence the proposed development would not affect the long-term planning intention of the "AGR" zone and its potential for future agricultural rehabilitation. The applicant will minimise the extent of excavation and filling works to avoid unnecessary disturbance to the soil in the detailed design stage.
- (d) Although site excavation will be necessary for installing the concrete plinths underground, the surface will be covered by soil of 0.5m depth. Appropriate plant species, e.g. nitrogen-fixing plants, are selected to help retain soil quality and prevent potential soil erosion at the Site during the operation of the proposed solar energy system. The Site would retain potential for future agricultural use with the applicant's initiative of planting nitrogen fixing plants on the ground that acts like natural fertilizer. To maintain rural landscape character and enhance visual quality of the proposed development, peripheral planting along the development fencing will be adopted. Hedge and shrub plantings will also be provided to serve as screen planting for the proposed H-poles (**Drawing A-3**).
- (e) The proposed development is compatible with the surrounding environment. Low reflective and advance solar panels with anti-reflection coating would be adopted to reduce reflection, which is lower than the reflectance of normal windows, and enhance solar conversion efficiency. To enhance visual and landscape quality and provide screening effect, peripheral planting and groundcover planting will be adopted throughout the Site.

- (f) The proposed development would not cause adverse traffic, environmental, sewage, drainage and landscape impacts on the surrounding area.
- (g) Application for participation in the CLP's RE FiT Scheme has been submitted in June 2021. Consent Letter has been obtained from CLP in September 2021 (**Annex B to Appendix Ib**).

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Assessment Criteria for Considering Applications for SPV System

The set of assessment criteria for considering applications for SPV system made (Assessment Criteria) under Section 16 of the Town Planning Ordinance was promulgated on 21.7.2020 (**Appendix II**). The relevant assessment criteria are summarised as follows:

- (a) it is a prerequisite for the applicant to obtain the 'Consent Letter' or 'Acknowledgement Letter' from CLP / The Hongkong Electric Company Limited and submit a copy of the document together with the application to demonstrate the technical feasibility of the scheme in terms of serviceability, electrical safety and output generated by the SPV system;
- (b) unless with strong justifications, the SPV system, including the height of the proposed structures, should be in keeping with the surrounding area/developments and commensurate with the function(s) it performs;
- (c) for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the Site could be satisfactorily demonstrated;
- (d) it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system will not have significant adverse impacts, including but not limited to those relating to the environment, drainage, sewerage, traffic, geotechnical safety, landscape and visual¹ and, where needed, appropriate measures are to be adopted to mitigate the impacts;

¹ The applicant has to demonstrate that the proposal would not affect the visual and landscape amenities/character of the area adversely by, for instance, causing a significant change of landscape resources/character, dwarfing the surrounding developments or catching the public's visual attention due to the scale and prominence of the proposed installation. Where appropriate, measures should be taken to mitigate the visual/landscape impact, for example, by peripheral screen planting.

- (e) unless with strong justifications, proposals involving extensive site formation, vegetation clearance/tree felling, excavation or filling of land/pond are generally not supported;
- (f) where the installation is proposed to be in area close to airports and/or heliports, or major roads, it has to be demonstrated to the satisfaction of the relevant government departments that the SPV system should not cause glare to pilots/drivers and/or unacceptable adverse impact on aviation and/or traffic safety;
- (g) the planning intention of “AGR” zone is to retain and safeguard good quality agricultural farm land/fish ponds for agricultural purposes. SPV system ancillary to agricultural use would not require planning permission². Planning application for stand-alone SPV system as ‘PUI’ use in the “AGR” zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential;
- (h) all other statutory or non-statutory requirements of the relevant Government departments must be met. Depending on the specific land use zoning of the Site, the relevant Town Planning Board guidelines should be observed, as appropriate; and
- (i) approval conditions to address the technical issues, if any, within a specified time and clauses to revoke the permission for non-compliance with approval conditions may be imposed as appropriate.

5. Background

- 5.1 The Site is currently not subject to any active planning enforcement action.
- 5.2 The FiT Scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.
- 5.3 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed RE systems at their premises in the respective power company’s supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter’s grid. To join the Scheme, an applicant may make submission direct to the relevant power company with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will

² Installation of SPV system for generating electricity for a permitted use, such as that for a farm, green house/farm structures in the “AGR” zone mainly for generating electricity for agricultural purposes, or that installed in connection with New Territories Exempted Houses (NTEH) in “Village Type Development” (“V”) zone, are also regarded as an ancillary use.

proceed to install a smart meter in the applicant's premises to facilitate connecting the proposed RE system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the RE system until end 2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

6. Previous Application

There is no previous application at the Site.

7. Similar Application

There is no similar application for 'PUI (solar energy system)' use within the same "AGR" zone in the vicinity of the Site.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) divided into the northern and southern portions;
- (b) partly fenced, vacant and generally covered by weeds; and
- (c) accessible via a local track branching off from Chi Ho Road, Shui Mei Road and Mei Fung Road.

8.2 The surrounding area is rural in character predominated by hobby farms, ponds, plant nurseries, fallow agricultural land, open storage/storage yards and vacant land:

- (a) to its immediate north are hobby farms (including Applications No. A/YL-KTN/649 and 766), and to its further north across a nullah are vacant land and fallow agricultural land;
- (b) to its east across Shui Mei Road is an area zoned "Village Type Development" ("V") where a few ponds can be found;
- (c) to its south are plant nurseries, a storage yard and vacant land; and
- (d) to its west, across a local track, is an area zoned "Comprehensive Development Area (1)" ("CDA(1)") with open storage/ storage yards and vacant land. It is also the site approved for proposed flat, shop and services, eating place, school and social welfare facilities and public transport interchange uses under Application No. A/YL-KTN/604.

9. Planning Intention

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 According to the Explanatory Statement of the OZP, as filling and excavation of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Should planning approval be given to the subject planning application, the lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

Traffic

- 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) The applicant should be reminded that sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

- (c) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Shui Mei Road and Mei Fung Road are not maintained by HyD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road/ Castle Peak Road – Tam Mi.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

10.1.4 Comments of the Secretary for the Environment (SEN):

- (a) He strongly supports the development of RE systems, especially larger-scale systems such as the one proposed under the application, as they would be better able to meaningfully contribute to increase the use of RE in Hong Kong. The proposed RE system involving 1,650 solar panels, is estimated to generate electricity for meeting the annual electricity demand of about 219 domestic households.
- (b) The Chief Executive announced in the 2020 Policy Address that the Government would strive to achieve carbon neutrality before 2050. As electricity generation accounts for around two-thirds of the carbon emissions, changing the fuel mix for electricity generation is the key in the decarbonisation strategy. To achieve the carbon neutrality target, it is necessary to use zero-carbon energy (including RE) as far as possible. Therefore, promoting the development of RE is an integral part of the Government's decarbonisation strategy.
- (c) For developing RE in the private sector, the ENB and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. ENB has also introduced a series of measures to facilitate and support members of the public in developing RE.
- (d) He notes that the Site has been left vacant with no agricultural

activities for decades. While the applicant proposes to install solar panels at the Site, it is also proposed to plant nitrogen fixing plants at the Site to retain the soil quality and some other carefully selected species to prevent potential soil erosion and degradation. Also, there will be no hard paved area. The potential for agricultural rehabilitation of the Site after the dismantling of the solar panels would be retained and hence the long-term planning intention of the “AGR” zone would not be affected. Approval of the application could put the vacant land to good use to generate RE which would help Hong Kong achieve the carbon neutrality target.

10.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application in view of the nature and scale of the proposed development.
- (b) The applicant proposes to construct a solar energy system with 1,650 solar panels at the Site with generation capacity of 722,502 kWh/year of RE. The applicant also submitted the application under “Renewable Energy Feed-in Tariff” Scheme of CLP Power Hong Kong Ltd.
- (c) The applicant is reminded to strictly comply with the relevant pollution control ordinances, including the Waste Disposal Ordinance and the Water Pollution Control Ordinance, and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction of the project. Reference could be made to relevant publications/guidelines including the following:
 - Recommended Pollution Control Clauses for Construction Contracts; and
 - ProPECC PN 1/94 on “Construction Site Drainage”.

Agriculture

10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site falls within the “AGR” zone and is currently abandoned. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water sources are also available. The Site can be used for agricultural activities such as greenhouses, plant nurseries, etc. and possesses potential for agricultural rehabilitation. The application, which involves no commercial agricultural production, is not supported from agricultural point of view.
- (b) Regarding the applicant’s FI submitted (**Appendices Ib and Ic**), whilst it is stated that the Site and its vicinity have been idle

with no agricultural activities for more than two decades by making reference to the aerial photos taken between 1999 and 2003, their site inspection in August 2021 revealed that there were some agricultural activities in the vicinity of the Site, which has potential for agricultural rehabilitation.

Urban Design, Visual and Landscape

10.1.7 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) The Site falls within the “AGR” zone on the OZP and is currently vacant. It is located within an area of predominately rural in character, intermixed with some agricultural land and ponds to the north and northeast, village type development of 1 to 3 storeys to the east and southeast and temporary open storage/structures (about 1 to 2 storeys) to the west.
- (b) The application seeks planning permission for a proposed solar energy system involving 1,650 solar panels (2m long x 1.2m width x maximum 1.5m high each) and three 1-storey structures (about 3m in height) for storage.
- (c) To the west of the Site is the subject of two approved applications for comprehensive residential development, one is Application No. A/YL-KTN/604 involving the development of 28 residential blocks with a PR of 1.254 and a maximum BH of 18 storeys (up to about 66.35mPD) and the other is Application No. A/YL-KTN/663 involving the development of 38 residential blocks with a PR of 0.961 and a maximum BH of 16 storeys (up to about 62.2 mPD).
- (d) According to the applicant, a combination of hedge, climbers, edge and shrub planting on a 2.4m-high development fencing along a 1.5m-wide landscaped areas for peripheral planting together with groundcover planting will not only enhance the visual quality of the proposed system, but also screen the proposed 1.5m-high low reflective panels at the height of eye level.
- (e) Given the above and as illustrated in the submission (**Appendices Ia and Ib**), the proposed visual mitigation measures may distract the public’s visual attention at street level and thus alleviate potential visual effects.

Landscape

- (a) Based on the aerial photo of 2019, the Site is situated in an area of rural inland plain landscape character predominated

farmlands, temporary structures, ponds and scattered tree groups. To the east of the Site are Small Houses within “V” zone, while to the west are open storage within “CDA” zone. The proposed development with not more than 1,650 SPV panels and three 1-storey structures (about 3m height) are considered not entirely incompatible with the surrounding landscape setting.

- (b) With reference to the site photos taken, the Site is bare soil without any significant tree / vegetation. According to the submitted information, landscape treatments including new planting of shrubs, groundcover, lawn and climbers are proposed. No similar application within the same “AGR” zone in the proximity of the Site has been approved. Significant adverse impact on the existing landscape resources within the Site is not anticipated. Nevertheless, should the application be recommended for approval, consideration should be given as to whether it would encourage more similar application within the “AGR” zone, and whether the cumulative impact would alter the landscape character of the “AGR” zone.

Drainage

10.1.8 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a revised Drainage Impact Assessment and implementation of the drainage proposal(s) identified therein for the development should be included.
- (c) His detailed comments are at **Appendix IV**.

Building Matters

10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including supporting structures for the PV systems, containers for equipment, etc.) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when

necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (c) His detailed comments are at **Appendix IV**.

Fire Safety

10.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

he has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

10.2 The following government departments have no objection to / no adverse comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Director of Electrical and Mechanical Service; and
- (d) Project Manager (West), Civil Engineering and Development Department.

11. Public Comments Received During Statutory Publication Period

11.1 The application and FI received were published on 13.8.2021 and 26.1.2022 for public inspection. During the statutory public inspection periods, a total of 85 public comments were received (**Appendices III-1 to III-85**).

11.2 79 of them submitted by individuals support the application mainly on the

following grounds (**Appendices III-1 to III-79**):

- (i) the proposed development is in line with the Government's environmental policy to provide RE and reduce carbon emission. CLP has been consulted and confirmed that there is no technical problem from the proposed development;
- (ii) the proposed development does not contravene the planning intention of the "AGR" zone and is compatible with the surrounding environment. The solar panels will be removed after the project life and would not affect agricultural rehabilitation at the Site;
- (iii) the plantation of nitrogen fixing plants can improve the soil fertility and quality, biological diversity and visual quality of the proposed development. Advanced solar panels are adopted to reduce reflection and enhance solar energy efficiency; and
- (iv) the applied use will induce no adverse ecological, drainage, sewage and environmental impacts.

- 11.3 Five comments submitted by the Kadoorie Farm & Botanic Garden Corporation, the Designing Hong Kong Limited, a group of local villagers (with nine signatures submitted in one letter) and two individuals object to the application (**Appendices III-80 to III-84**) mainly on the grounds that the proposed development is not in line with the planning intention; potential cumulative impacts of approving the application will set a precedent for other similar applications in the "AGR" zone; the solar panels will induce glare impact, light pollution and adverse impact to the environment; and the Site should be used for agricultural activities. The remaining public comment submitted by an individual (**Appendices III-85**) raises concerns on the glare impact to the nearby villagers and wildlife; effectiveness of the FiT Scheme and its stability in the electricity generation.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed PUI (solar energy system), involving 1,650 solar panels (each 1.2m (L) x 2m (W) x 1.5m (H) (excluding the concrete plinth (of 0.51m high) which will be situated below the ground surface with soil cover of 0.5m in depth)), three single-storey structures (about 3m high) for storage of equipment and three H-poles at the Site, which is zoned "AGR" on the OZP. The applicant states that the application is for participation in the FiT Scheme jointly introduced by the Government and the two power companies for the private sector to investing in the RE, which will last until 31.12.2033. The proposed use is not in line with the planning intention of the "AGR" zone, which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 12.2 The proposed development, with the strong policy support of ENB, is in line with the Government's policy to promote the use of RE in Hong Kong, which forms part of the decarbonisation strategy in Hong Kong. According to the applicant, the electricity generated from the SPV panels is equivalent to about 220 domestic households' annual energy consumption. SEN considers that the proposed development could meaningfully contribute to the use of RE in Hong Kong by way of the FiT Scheme jointly introduced by the Government and the two power companies until 2033. Approval of the application could put the vacant land to good use to generate RE which would help Hong Kong achieve the carbon neutrality target.
- 12.3 According to the applicant, the electricity to be generated by the proposed solar energy system will be sold to CLP via the FiT Scheme. The applicant has obtained the Consent Letter from CLP (**Annex B to Appendix Ib**) which demonstrates the technical feasibility of the proposed development and CLP's undertaking to carry out the necessary network reinforcement works at the implementation stage. DEMS and DEP have no objection to the application from electricity supply safety, RE and environmental aspects respectively.
- 12.4 The Assessment Criteria (**Appendix II**) states that stand-alone SPV system as 'PUI' use in the "AGR" zone is generally not supported except those on land with no active farming activities and low agricultural rehabilitation potential. DAFC does not support the application from the agricultural point of view as there were some agricultural activities in the vicinity of the Site which indicate that the Site possesses potential for agricultural rehabilitation. In this regard, the applicant states that the Site has not been put to active farming use for more than two decades. Moreover, the Site would retain potential for future agricultural use with the applicant's initiative of planting nitrogen fixing plants on the ground between the solar panels that acts like natural fertilizer to enhance soil nutrient and improve soil fertility. As the proposed development is intended to decommission in 2033 upon the completion of FiT Scheme, approval of the application will not affect the long-term planning intention of the "AGR" zone. Although the application is not supported by AFCD, given the strong policy support from ENB and the long-term agricultural potential could be retained, sympathetic consideration may be given to the application after balancing the policy support and technical concerns.
- 12.5 For the proposed excavation and filling of land at the whole Site, which is for installation of the plinths and stands of the solar panels, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives, subject to submission of a revised drainage impact assessment and implementation of the drainage proposal(s) identified therein.
- 12.6 The surrounding areas are predominantly rural in character, comprising hobby farms, ponds, plant nurseries, fallow agricultural land, open storage/storage yards and unused land (**Plan A-2**). CTP/UD&L of PlanD states that the proposed development is not entirely incompatible with the surrounding landscape setting. Landscape treatments including new planting of shrubs, groundcover, lawn and climbers are also proposed within the Site (**Drawing A-3**). Significant adverse landscape impact arising from the proposed development is not anticipated. CTP/UD&L of PlanD further considers that

the proposed visual mitigation measures, including a combination of hedge, climbers, edge and shrub planting on a 2.4m-high development fencing along a 1.5m-wide landscaped areas for peripheral planting together with ground cover planting, may distract the public's visual attention at street level and thus alleviate potential visual effects.

- 12.7 Other relevant government departments consulted, including C for T, CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application. Their technical requirements could be addressed by appropriate approval conditions as recommended in paragraph 13.2 below. The proposed use under application is generally in line with the Assessment Criteria for considering applications for SPV system promulgated by the Board on 21.7.2020 in that the applicant has obtained CLP's consent letter to demonstrate the technical feasibility of the proposal; height of the proposed development is in keeping with the surrounding areas and commensurate with the function it performs; relevant government departments consulted in general have no adverse comments on the application from the various technical perspectives; and the long-term planning intention of the "AGR" zone would not be affected.
- 12.8 A total of 85 public comments were received during the statutory publication periods. Among them, 79 support and 5 object to the application for the reasons as detailed in paragraphs 11.2 and 11.3 above. The remaining one raises concern on the application and the FiT Scheme as detailed in paragraph 11.3 above. In this regard, the above departmental comments as well as planning considerations and assessments are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **18.3.2026**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised drainage impact assessment and implementation of the drainage proposal(s) identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with Attachment received on 4.8.2021
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 8.10.2021
Appendix Ic	FI received on 26.1.2022
Appendix Id	FI received on 15.3.2022
Appendix II	Assessment Criteria For Considering Applications For Solar Photovoltaic System Made Under Section 16 of The Town Planning Ordinance
Appendices III-1 to III-85	Public Comments received during the Statutory Publication Periods
Appendix IV	Recommended Advisory Clauses

Drawing A-1	Site Layout Plan
Drawing A-2	Indicative Framing, Section and Elevation Plans
Drawing A-3	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**